

Exhibit 8

1 Allan
2 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK
3
4 SANDRA GUZMAN,)
)
5 Plaintiff,)
)
6 vs.) 09CIV9323
) (BSJ(RLE)
7 NEWS CORPORATION, NYP HOLDINGS,)
8 INC., d/b/a THE NEW YORK POST,)
 and COL ALLAN, in his official)
9 and individual capacities,)
)
 Defendants.)
 -----)

10

11 (Contains Confidential & Attorneys' Eyes Only Portions Bound Separately)

12

13 VIDEOTAPED DEPOSITION OF COLIN ALLAN

14 New York, New York

15 Tuesday, February 14, 2012

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19

20

21

22

23 Reported by:

24 Philip Rizzuti

25 JOB NO. 46188

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<p>1 Allan</p> <p>2 cartoon, who is Sean Delonas?</p> <p>3 A. He is the cartoonist.</p> <p>4 Q. Who created that cartoon?</p> <p>5 A. Correct.</p> <p>6 Q. Did Mr. Delonas give you that</p> <p>7 cartoon to approve before it was published?</p> <p>8 MR. LIPPNER: Objection.</p> <p>9 MR. LERNER: Objection.</p> <p>10 Q. You can answer?</p> <p>11 A. Yes.</p> <p>12 Q. Did you approve it before its</p> <p>13 publication?</p> <p>14 A. Yes.</p> <p>15 Q. Did any other editor at the New</p> <p>16 York Post approve that cartoon before its</p> <p>17 publication?</p> <p>18 A. No.</p> <p>19 Q. So you made the decision?</p> <p>20 A. Yes.</p> <p>21 Q. Solely your decision?</p> <p>22 A. Yes.</p> <p>23 Q. Ms. Guzman stated in her E-mail, I</p> <p>24 have raised my objections to management,</p> <p>25 Sandra Guzman. Do you see that?</p>	<p>1 Allan</p> <p>2 A. Yes.</p> <p>3 Q. When you read this E-mail for the</p> <p>4 very first time did you know that Ms. Guzman</p> <p>5 had raised objections to the cartoon?</p> <p>6 MR. LERNER: Objection.</p> <p>7 Mr. Thompson, I am looking, this is an</p> <p>8 E-mail, it has been 100 or 200 addresses</p> <p>9 on it, so it takes a while to go through.</p> <p>10 But I don't see Col Allan's name as a</p> <p>11 recipient of this particular E-mail,</p> <p>12 so --</p> <p>13 MR. THOMPSON: I understand that</p> <p>14 Mr. Lerner, but he has already said that</p> <p>15 this is the E-mail that he saw after the</p> <p>16 person came into his office.</p> <p>17 MR. LERNER: I am describing for</p> <p>18 clarity.</p> <p>19 MR. THOMPSON: But he has already</p> <p>20 stated that he has seen this before.</p> <p>21 Q. Mr. Allan, did you know when you</p> <p>22 looked at Ms. Guzman's E-mail the day you</p> <p>23 learned about it that she had raised</p> <p>24 objections to management about the cartoon?</p> <p>25 A. I don't recall.</p>
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<p>1 Allan</p> <p>2 Q. How did you react when you read</p> <p>3 her E-mail?</p> <p>4 A. React; what does that mean?</p> <p>5 Q. Well were you happy, were you</p> <p>6 upset?</p> <p>7 A. I was disappointed.</p> <p>8 Q. Why were you disappointed?</p> <p>9 A. I felt that if she was troubled by</p> <p>10 the cartoon that she might have raised those</p> <p>11 concerns with the people that she worked for</p> <p>12 and with before she did so publicly.</p> <p>13 Q. Do you know if she did raise her</p> <p>14 concerns about the cartoon with any editor at</p> <p>15 the New York Post?</p> <p>16 A. I don't recall.</p> <p>17 Q. Do you know if she raised the</p> <p>18 concerns about the cartoon to anyone in human</p> <p>19 resources?</p> <p>20 A. Yes.</p> <p>21 Q. Who did she raise her concerns to?</p> <p>22 A. Jennifer Jehn.</p> <p>23 Q. How do you know that she raised</p> <p>24 the concerns about the cartoon with Jennifer</p> <p>25 Jehn?</p>	<p>1 Allan</p> <p>2 A. Jennifer told me so.</p> <p>3 Q. Did Jennifer tell you before or</p> <p>4 after you saw this E-mail reflected in Exhibit</p> <p>5 2?</p> <p>6 A. I don't recall.</p> <p>7 Q. Is Jennifer Jehn the only person</p> <p>8 that you recall telling you that Sandra Guzman</p> <p>9 raised complaints about the cartoon?</p> <p>10 A. Yes.</p> <p>11 Q. In February of 2009 Joe Rabinowitz</p> <p>12 was Sandra Guzman's direct supervisor; is that</p> <p>13 correct?</p> <p>14 A. Correct.</p> <p>15 Q. Did Mr. Rabinowitz tell you that</p> <p>16 she had complained to him about the cartoon?</p> <p>17 A. I don't recall.</p> <p>18 Q. Well let me ask you, you said you</p> <p>19 were disappointed in Ms. Guzman, wouldn't you</p> <p>20 remember if Joe Rabinowitz told you that she</p> <p>21 had complained about it?</p> <p>22 A. I am sorry, I don't recall.</p> <p>23 Q. So as you sit here now you don't</p> <p>24 recall ever speaking or communicating with Joe</p> <p>25 Rabinowitz about the fact that Sandra Guzman</p>

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<p>1 Allan</p> <p>2 his breath on the occasions you smelled it in</p> <p>3 the news room?</p> <p>4 A. I am sorry, ask the question</p> <p>5 again.</p> <p>6 Q. Do you have any personal firsthand</p> <p>7 knowledge of why Steve Dunlevy had alcohol on</p> <p>8 his breath on the occasions you smelled</p> <p>9 alcohol on his breath in the news room?</p> <p>10 A. No.</p> <p>11 Q. And you were the Editor-in-Chief</p> <p>12 of the Post when you smelled alcohol on his</p> <p>13 breath multiple times; correct?</p> <p>14 A. Correct.</p> <p>15 Q. You never thought about</p> <p>16 investigating why Steve Dunlevy had alcohol on</p> <p>17 his breath in the news room on those</p> <p>18 occasions, did you?</p> <p>19 A. No, sir, I knew why.</p> <p>20 Q. You never contacted HR about that</p> <p>21 fact; correct?</p> <p>22 A. No, sir.</p> <p>23 Q. Did you ever tell Rupert Murdoch</p> <p>24 that one of the columnist at the New York Post</p> <p>25 was walking around the news room with alcohol</p>	<p>1 Allan</p> <p>2 on his breath?</p> <p>3 A. No, sir.</p> <p>4 Q. Why not?</p> <p>5 A. It is not a matter for him.</p> <p>6 Q. Not a matter for him?</p> <p>7 A. No, sir.</p> <p>8 Q. I thought that the buck stopped</p> <p>9 with him regarding the New York Post?</p> <p>10 MR. LERNER: Objection.</p> <p>11 A. A columnist was doing his work</p> <p>12 well, very well.</p> <p>13 Q. Did you ever discipline Steve</p> <p>14 Dunlevy for having alcohol on his breath in</p> <p>15 the news room on those occasions?</p> <p>16 A. Never.</p> <p>17 Q. Did you ever think about</p> <p>18 disciplining him?</p> <p>19 A. Never.</p> <p>20 Q. Did you ever inquire at any point</p> <p>21 on any occasion with Steve Dunlevy as to why</p> <p>22 he had alcohol on his breath in the news room?</p> <p>23 A. I have answered the question.</p> <p>24 Q. Answer?</p> <p>25 A. I have answered the question.</p>
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<p>1 Allan</p> <p>2 Q. Have you inquired, did you inquire</p> <p>3 on any occasion?</p> <p>4 A. No.</p> <p>5 Q. Nothing stopped you from</p> <p>6 inquiring; right?</p> <p>7 A. No.</p> <p>8 Q. You had the power as the</p> <p>9 Editor-in-Chief to inquire why one of your</p> <p>10 staffers was walking around the news room with</p> <p>11 alcohol on his breath; correct?</p> <p>12 MR. LIPPNER: Objection.</p> <p>13 A. Yes.</p> <p>14 Q. You, Mr. Allan, have also walked</p> <p>15 around the news room with alcohol on your</p> <p>16 breath during the day; correct?</p> <p>17 A. Never.</p> <p>18 Q. Isn't it a fact that during your</p> <p>19 tenure as Editor-in-Chief of the Post you have</p> <p>20 consumed alcohol in the day?</p> <p>21 A. Never.</p> <p>22 Q. Did you ever hear Steve Dunlevy</p> <p>23 ever refer to a black person as a nigger?</p> <p>24 A. Yes.</p> <p>25 Q. How many times have you heard</p>	<p>1 Allan</p> <p>2 Steve Dunlevy refer to a black person as a</p> <p>3 nigger?</p> <p>4 A. Once.</p> <p>5 Q. Do you recall the year you heard</p> <p>6 him refer to a black person as a nigger?</p> <p>7 A. Very well.</p> <p>8 Q. What year was it, sir?</p> <p>9 A. 2001.</p> <p>10 Q. Can you describe where you were</p> <p>11 when Steve Dunlevy referred to a black person</p> <p>12 as a nigger?</p> <p>13 A. It was my first day at the Post,</p> <p>14 and he and Neil Travis had invited me at the</p> <p>15 end of that first day for a drink at Langan's</p> <p>16 to meet some of the people who worked at the</p> <p>17 paper. So I happily went and they introduced</p> <p>18 me to a number of people. One of those people</p> <p>19 was a black man named Robert George. Steve</p> <p>20 Dunlevy introduced him to me as, and I quote,</p> <p>21 our token nigger, quote.</p> <p>22 Q. Our token nigger?</p> <p>23 A. Yes, sir.</p> <p>24 Q. How did you respond Mr. Allan?</p> <p>25 A. I was --</p>

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<p>1 Allan</p> <p>2 Q. To his statement that Robert</p> <p>3 George was the New York Post token nigger?</p> <p>4 A. I was shocked and deeply offended.</p> <p>5 Q. Did you say anything to Steve</p> <p>6 Dunlevy at the time you heard him refer to</p> <p>7 Robert George as the token nigger?</p> <p>8 A. No.</p> <p>9 Q. Why not?</p> <p>10 A. It was my first day at the</p> <p>11 newspaper, I had just arrived from Australia.</p> <p>12 I was shocked by the expression. There were a</p> <p>13 group of people around including Jesse Angelo,</p> <p>14 and subsequently Jesse Angelo spoke to</p> <p>15 Mr. Dunlevy about his language.</p> <p>16 Q. How did Robert George respond when</p> <p>17 Steve Dunlevy introduced him to you as the</p> <p>18 token nigger?</p> <p>19 A. It seemed to me they were friends,</p> <p>20 it seemed to me that he took no offense, but</p> <p>21 what he said was unforgivable also.</p> <p>22 Q. How did Mr. George respond after</p> <p>23 Steve Dunlevy called him a token nigger?</p> <p>24 A. He laughed.</p> <p>25 Q. Did he do anything else?</p>	<p>1 Allan</p> <p>2 A. No.</p> <p>3 Q. Do you know if Jesse Angelo also</p> <p>4 heard Steve Dunlevy call Robert George a token</p> <p>5 nigger?</p> <p>6 A. He did, yes.</p> <p>7 Q. You know if anyone else from the</p> <p>8 Post or News Corp. heard Steve Dunlevy refer</p> <p>9 to Robert George as a token nigger?</p> <p>10 A. There were a couple of other</p> <p>11 people there, I don't recall.</p> <p>12 Q. You mentioned Neil Travis. Who is</p> <p>13 Neil Travis?</p> <p>14 A. Neil Travis was a columnist on the</p> <p>15 newspaper.</p> <p>16 Q. Was he present at the time?</p> <p>17 A. I believe so.</p> <p>18 Q. Do you know if Neil Travis also</p> <p>19 heard Steve Dunlevy refer to Robert George as</p> <p>20 a token nigger?</p> <p>21 A. I don't know, I can't answer that.</p> <p>22 Q. Would you agree Mr. Allan that one</p> <p>23 of the worse words -- strike that.</p> <p>24 Would you agree Mr. Allan that one</p> <p>25 of the worse names you can call a black person</p>
Page 256	Page 257
<p>1 Allan</p> <p>2 is nigger?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Why do you think that is one of</p> <p>5 the worse names a black person can be called?</p> <p>6 A. I have been married for almost 30</p> <p>7 years, my wife's mother is black. She is a</p> <p>8 Aborigine, my wife is part Aborigine, my four</p> <p>9 children are part Aborigine. Therefore the</p> <p>10 expression is deeply offensive to me. For it</p> <p>11 to be anything else would be a betrayal of my</p> <p>12 family. I trust that answers your question.</p> <p>13 Q. Was Steve Dunlevy disciplined for</p> <p>14 calling Robert George a token nigger?</p> <p>15 A. He was.</p> <p>16 Q. How was he disciplined?</p> <p>17 A. Jesse Angelo told him that it was</p> <p>18 unacceptable and it must never happen again.</p> <p>19 Q. Was he disciplined in any other</p> <p>20 way?</p> <p>21 A. I don't know.</p> <p>22 Q. So as far as you know sitting here</p> <p>23 the only discipline given to Steve Dunlevy for</p> <p>24 calling a black employee of the Post a token</p> <p>25 nigger was that he was spoken to by Jesse</p>	<p>1 Allan</p> <p>2 Angelo?</p> <p>3 A. Yes. He was spoken to very</p> <p>4 firmly, he was told it was unacceptable and it</p> <p>5 must never happen again.</p> <p>6 Q. Did you tell Jesse Angelo to</p> <p>7 terminate Steve Dunlevy because he had used</p> <p>8 such an ugly racial slur against Robert</p> <p>9 George?</p> <p>10 A. No, I did not.</p> <p>11 Q. Did you tell Jesse Angelo --</p> <p>12 strike that.</p> <p>13 Why didn't you tell Jesse Angelo</p> <p>14 to fire Steve Dunlevy for calling Robert</p> <p>15 George a token nigger?</p> <p>16 A. It was my first day here, I am</p> <p>17 sorry, what he said was deeply offensive and</p> <p>18 wrong.</p> <p>19 Q. I understand. My question is why</p> <p>20 didn't you call for his termination?</p> <p>21 A. I believed at the time that the</p> <p>22 discipline, the way in which Jesse had spoken</p> <p>23 to him and the fact that he made it very clear</p> <p>24 that it must never happen again was</p> <p>25 sufficient.</p>

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<p>1 Allan</p> <p>2 Q. Did Jesse Angelo ever tell you</p> <p>3 that Leonard Greene complained to him about</p> <p>4 the cartoon?</p> <p>5 A. I don't recall.</p> <p>6 Q. If Leonard Greene complained to</p> <p>7 Jesse Angelo about that cartoon would you have</p> <p>8 expected Jesse Angelo to have told you about</p> <p>9 it?</p> <p>10 A. He may have done. I don't recall.</p> <p>11 Q. That is not my question. My</p> <p>12 question is would you have expected Jesse</p> <p>13 Angelo to have told you about it?</p> <p>14 A. Yes.</p> <p>15 Q. Why?</p> <p>16 A. It would be the right thing to do.</p> <p>17 Q. Did anyone in human resources ever</p> <p>18 tell you that Leonard Greene had complained</p> <p>19 about the monkey cartoon?</p> <p>20 A. I don't recall.</p> <p>21 Q. Well Mr. Allan if your black</p> <p>22 reporters -- strike that.</p> <p>23 If you learned that your black</p> <p>24 reporters complained about the monkey cartoon</p> <p>25 you would recall that; right?</p>	<p>1 Allan</p> <p>2 A. Excuse me.</p> <p>3 Q. If you knew at one point that your</p> <p>4 black reporters had complained about the</p> <p>5 monkey cartoon that is not something that you</p> <p>6 would forget; right?</p> <p>7 A. I guess yes, I wouldn't forget.</p> <p>8 Q. As you sit here now do you know if</p> <p>9 Leonard Greene ever complained about the</p> <p>10 monkey cartoon?</p> <p>11 A. I don't know.</p> <p>12 Q. Did you ever talk to him about the</p> <p>13 monkey cartoon?</p> <p>14 A. No.</p> <p>15 Q. Mr. Allan, I am showing you what</p> <p>16 has been marked as Allan Deposition Exhibit</p> <p>17 17, please take a moment to review it?</p> <p>18 A. Sure.</p> <p>19 (Allan Exhibit 17, affidavit of</p> <p>20 Leonard Greene, marked for</p> <p>21 identification, as of this date.)</p> <p>22 MR. LIPPNER: Take your time and</p> <p>23 read the whole thing please.</p> <p>24 A. Yes.</p> <p>25 Q. Mr. Allan, do you agree that</p>
Page 372	Page 373
<p>1 Allan</p> <p>2 Leonard Greene has been subjected to race</p> <p>3 discrimination during his employment at the</p> <p>4 Post?</p> <p>5 A. I do not.</p> <p>6 Q. Did he ever apply to become an</p> <p>7 editor?</p> <p>8 A. I don't know.</p> <p>9 Q. Did he ever apply to become a</p> <p>10 columnist?</p> <p>11 A. Yes.</p> <p>12 Q. When did he apply to become a</p> <p>13 columnist?</p> <p>14 A. I don't recall.</p> <p>15 Q. How many times did he apply to</p> <p>16 become a columnist?</p> <p>17 A. A couple.</p> <p>18 Q. Why didn't he become a columnist</p> <p>19 at the New York Post?</p> <p>20 A. I'm sorry?</p> <p>21 Q. Why hasn't Leonard Greene become a</p> <p>22 columnist at the New York Post?</p> <p>23 A. Because I don't think that he</p> <p>24 would be a good columnist for the newspaper.</p> <p>25 Q. Why not sir?</p>	<p>1 Allan</p> <p>2 MR. LIPPNER: Objection. This</p> <p>3 goes to your editorial.</p> <p>4 MR. THOMPSON: It does not. The</p> <p>5 fact that I am asking him why he didn't,</p> <p>6 Mr. Lippner, please don't invoke this</p> <p>7 baseless privilege to coach the witness.</p> <p>8 My question is why didn't he think that</p> <p>9 Leonard Greene would make a good</p> <p>10 columnist at the newspaper.</p> <p>11 MR. LERNER: You can talk about</p> <p>12 what you regard as his qualifications for</p> <p>13 being a columnist at the New York Post.</p> <p>14 A. I think that Leonard is an</p> <p>15 excellent reporter, an excellent writer, but I</p> <p>16 don't believe that he would make a strong</p> <p>17 columnist for the newspaper.</p> <p>18 Q. Why not?</p> <p>19 A. I think it takes a certain kind of</p> <p>20 attitude. In many ways Leonard is too even</p> <p>21 tempered, too nice to be a good columnist for</p> <p>22 the newspaper.</p> <p>23 Q. Well he has the writing skills to</p> <p>24 be a columnist; right?</p> <p>25 A. Yes, I would agree with that.</p>

1
2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 -----X

4 AUSTIN FENNER and IKIMULISA
LIVINGSTON,

Plaintiffs,

5 vs.

No. 09 Civ 9832

6 NEWS CORPORATION, NYP HOLDINGS,
INC., d/b/a THE NEW YORK POST and
7 DAN GREENFIELD and MICHELLE
GOTTHELF,

Defendants.

8 -----X

SANDRA GUZMAN,

9 Plaintiff,

10 vs.

No. 09 Civ 9323

11 NEWS CORPORATION, NYP HOLDINGS
INC., d/b/a THE NEW YORK POST,
12 COL ALLAN, in his official and
individual capacities,

Defendants.

-----X

13
14 VIDEOTAPED DEPOSITION OF COL ALLAN
VOLUME II

15 New York, New York
16 February 21, 2013
17
18
19
20
21

22 Reported by:

23 Bonnie Pruszyński, RMR

24 Job 57922
25

1 Col Allan
 2 work with respect to the monkey cartoon from
 3 February 2009?
 4 MR. LERNER: Objection.
 5 A I don't recall.
 6 Q Did you ever discuss that cartoon
 7 with anyone from Rubenstein?
 8 A I don't recall.
 9 Q Did Rubenstein review the editorial
 10 that was issued about the cartoon?
 11 A I don't recall.
 12 Q Did Rubenstein review the statement
 13 issued by Mr. Murdoch about the cartoon?
 14 A I don't recall.
 15 Q Who is Richard Prince?
 16 A Excuse me?
 17 Q Richard Prince, do you know who he
 18 is?
 19 A No, sir.
 20 Q Do you know whether Mr. Prince ever
 21 wrote an article about the New York Post?
 22 A I don't.
 23 Q Do you recall, perhaps, anyone from
 24 Rubenstein handling any matter involving Richard
 25 Prince?

1 Col Allan
 2 it's bad for you.
 3 Q I agree with that, but if somebody
 4 took a break to have a cigarette would that be
 5 considered time theft from the company?
 6 A No, sir.
 7 Q What about running routine errands to
 8 go to the drug store or the bank?
 9 MR. LERNER: Objection.
 10 A I can't speculate.
 11 Q Are you aware of any reporter for the
 12 Post ever running such errands during the day?
 13 A I'm sure they have.
 14 Q During the workday?
 15 A Sure.
 16 Q What about going to the gym, are you
 17 aware of any New York Post reporters ever going to
 18 the gym during a workday?
 19 MR. LERNER: Objection. Don't guess.
 20 A I don't know.
 21 Q Are you ever aware of any New York
 22 Post reporter going to the movies during a
 23 workday?
 24 MR. LERNER: Objection.
 25 A No.

1 Col Allan
 2 A No, sir.
 3 Q Are you aware of the work schedule
 4 for weekday reporters at the New York Post?
 5 A No, sir.
 6 Q Do you know about how many hours per
 7 week New York Post reporters are expected to log?
 8 A No, sir.
 9 Q Is it your expectation that during
 10 the eight hours from nine to five that New York
 11 Post reporters working during the week spend every
 12 minute of that time, apart from lunch, performing
 13 work for the New York Post?
 14 MR. LERNER: Objection.
 15 A Yes, sir.
 16 Q What about bathroom breaks?
 17 A Excuse me?
 18 Q What about bathroom breaks, would
 19 they be expect expected to take those?
 20 A I believe so.
 21 Q What about smoke breaks?
 22 A Pardon?
 23 MR. LERNER: Smoke.
 24 Q Smoke breaks, breaks to smoke.
 25 A We try to discourage it. Smoking,

1 Col Allan
 2 Q Before the filing of the current
 3 lawsuits, were you aware that Austin Fenner
 4 complained about the February 2009 cartoon?
 5 A No, sir.
 6 Q And did you discuss, following the
 7 publication of the February '09 cartoon, discuss
 8 the need for someone from the human resources
 9 department to talk with minority employees at the
 10 Post specifically?
 11 MR. LERNER: Objection.
 12 A I'm sorry. Can you repeat the
 13 question?
 14 Q I can.
 15 Following the publication of the
 16 February 2009 cartoon, did you talk with anybody
 17 at the Post, apart from counsel, regarding the
 18 need for a human resources representative to speak
 19 specifically with minority employees at the Post?
 20 MR. LERNER: Objection.
 21 A I don't recall.
 22 Q What about the need for HR to talk
 23 with black employees at the Post?
 24 A I don't recall.
 25 Q Are you aware of whether or not